# Case 3:07-cv-05437-PJH Document 42-5 Filed 09/02/2008 Page 2 of 14 LAW OFFICES OF JOHN E. HILL

A PROFESSIONAL CORPORATION

John E. Hill \*
Daniel A. Stenson
Michael P. Guta
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#### ATTORNEYS AT LAW

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Los Angeles Office 1112 11° Street, Suite 3 Santa Monica, California 90403 Telephone: 310-260-2100

June 20, 2008

## TRANSMITTED BY FACSIMILE

Marc Wodin, Esq. 21600 Oxnard Street, Ste 1110 Woodland Hills, CA 91367

Re: Thompson v. Conseco

Dear Mr. Wodin:

I am extremely concerned about the proposed Release that you have now sent to us and which we received June 19, 2008. This action was settled on May 29, 2008. At that time, you assured me that Plaintiff would receive her check within two weeks. Now, notwithstanding the elapsed time, you sent a settlement agreement which contains venue in Indiana and a unilateral penalty provision for breach of the confidentiality provision of the agreement. If I do not have at this office a release that is consistent with the terms of the settlement we reached May 29, 2008 by the close of business June 23, I will move the Court to enforce the settlement agreement entered May 29, 2008.

Very truly yours,

Michael P. Guta

MPG/m

080620 3

#### MARC J. WODIN

21600 OXNARD STREET, SUITE IIIO WOODLAND HILLS, CALIFORNIA 91367

MARC J. WODIN

ELANA BITTON

TELEPHONE (818) 595-3490 FACSIMILE (818) 595-3494

via fax June 20, 2008

Michael P. Guta Law Offices of John E. Hill 8105 Edgewater Drive, Suite 100 Oakland, CA 94621

Re: Pamela Thompson v. Conseco Senior Health Insurance Company

Dear Mr. Guta:

This is in response to your letter of this date.

First, there has been no unreasonable delay, on our part, in providing you with the release and dismissal. The settlement conference took place on May 29, 2008. At that time, you were advised you that it was anticipated that we could provide the settlement check within a few weeks of the execution of the release and dismissal. Thereafter, both my associate and I attempted to reach you, by telephone, on several occasions, to determine how you wanted the settlement check was to be made out - something which was to be placed in the release, and therefore needed to be known, before we finalized the release. We were unable to reach you, which held up the preparation of the release. When we finally received the information, by message from your secretary, we promptly completed preparation of the release, and sent it to you on June 16.

Second, the document which was prepared at the time of the settlement conference was cursory. You were advised, at that time, that we would be providing you with a detailed and comprehensive release, which we have done. If there are provisions of the release which you wish to have changed, as seems to be the case, then please call me, and I will be happy to discuss them with you. You mention some things in your letter. However, I cannot tell whether those are the only things you have a question about, and it makes no sense to do this on a piecemeal basis.

Very truly yours,

LAW OF THE OF MARC J. WODIN

MARC J. WODIN

#### MARC J. WODIN

21600 OXNARD STREET, SUITE 1110
WOODLAND HILLS, CALIFORNIA 91367

MARC J. WODIN

ELANA BITTON

ltr: re Release

TELEPHONE (818) 595-3490 FACSIMILE (818) 595-3494

## TELECOPIER TRANSMITTAL SHEET

DATE:	June 20, 2008			
TO:	Law Offices of John E. Hill Attention: Michael P. Guta	FAX #: (510) 729-6333		
FROM:	Marc J. Wodin, Esq.	FAX #: (818) 595-3494		
RE:	Thompson v Conseco Senior	Health Insurance Company		
NUMBER OF	F PAGES, INCLUDING THIS	S TRANSMITTAL PAGE: 2		
X FOR Y	YOUR INFORMATION			
PER '	YOUR REQUEST			
PER C	OUR DISCUSSION			
PLEA	PLEASE READ AND COMMENT AS SOON AS POSSIBLE			
PLEA	SE SIGN AND RETURN			
PLEA	SE TELEPHONE ME			
ADDITIONA	L COMMENTS:			

IF YOU HAVE ANY DIFFICULTY RECEIVING THIS TRANSMISSION, PLEASE CALL (818) 595-3490.

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MODE = MEMORY TRANSMISSION

START=JUN-20 13:10

END=JLN-20 13:10

FILE NO.-281

STN ND. COMM.

STATION NAME/TEL NO.

PAGES DURATION

991

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-LAW OFFICE MARC J WODIN -

ABBR NO.

- xxxxxxx -

8185953494- \*\*\*\*\*\*\*\*

LAW OFFICES OF

MARC J. WODIN

21600 OXNARD STREET, SUITE 1110 WOODLAND HILLS, CALIFORNIA 91367

MARC J. WODIN

TELEPHONE (818) 595-3490 FACSIMILE (818) 595-3494

ELANA BITTON

#### TELECOPIER TRANSMITTAL SHEET

DATE:

June 20, 2008

TO:

Law Offices of John E. Hill Attention: Michael P. Guta FAX #: (510) 729-6333

FROM:

Marc J. Wodin, Esq.

FAX #: (818) 595-3494

RE:

Thompson v Conseco Senior Health Insurance Company

NUMBER OF PAGES, INCLUDING THIS TRANSMITTAL PAGE: 2

X FOR YOUR INFORMATION

PER YOUR REQUEST

PER OUR DISCUSSION

PLEASE READ AND COMMENT AS SOON AS POSSIBLE

PLEASE SIGN AND RETURN

PLEASE TELEPHONE ME

ADDITIONAL COMMENTS:

ltr: re Release

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### MARC J. WODIN

23901 CALABASAS ROAD, SUITE 1076 CALABASAS, CALIFORNIA 91302

MARC J. WODIN

ELANA BITTON

TELEPHONE (818) 595-3490 FACSIMILE (818) 595-3494

via fax June 26, 2008

Michael P. Guta Law Offices of John E. Hill 8105 Edgewater Drive, Suite 100 Oakland, CA 94621

Re: Pamela Thompson v. Conseco Senior Health Insurance Company

Dear Mr. Guta:

I have not heard back from you in response to my letter of June 20. We need to resolve matters related to the release language.

Very truly yours,

LAW OFFICES OF MARC J. WODIN

RC J WODIN

#### MARC J. WODIN

21600 OXNARD STREET, SUITE IIIO

MARC J. WODIN

ELANA BITTON

WOODLAND HILLS, CALIFORNIA 91367

TELEPHONE (818) 595-3490 FACSIMILE (818) 595-3494

## TELECOPIER TRANSMITTAL SHEET

DATE:

June 27, 2008

TO:

Law Offices of John E. Hill Attention: Michael P. Guta

FAX #: (510) 729-6333

FROM:

Marc J. Wodin, Esq.

FAX #: (818) 595-3494

RE:

Thompson v Conseco Senior Health Insurance Company

NUMBER OF PAGES, INCLUDING THIS TRANSMITTAL PAGE: 2

X FOR YOUR INFORMATION PER YOUR REQUEST PER OUR DISCUSSION PLEASE READ AND COMMENT AS SOON AS POSSIBLE PLEASE SIGN AND RETURN PLEASE TELEPHONE ME

ADDITIONAL COMMENTS: ltr re: release language

> IF YOU HAVE ANY DIFFICULTY RECEIVING THIS TRANSMISSION, PLEASE CALL (818) 595-3490.

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MODE = MEMORY TRANSMISSION

START=JUN-27 08:47

END=JUN-27 08:55

FILE NO. -297

STN NO. COMM.

ABBR NO.

STATION NAME/TEL NO.

PAGES DURATION

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-LAW OFFICE MARC J WODIN -

\*\*\*\*\*\* - MARC J WODIN - \*\*\*\*\*\* -

LAW OFFICES OF

#### MARC J. WODIN

EISGO GENARD STREET, SUITE ING WOODLAND HILLS, CALIFORNIA 91367

MARC J. WODIN

ELANA BITTON

TELEPHONE (818) 595-3490 FACSIMILE (818) 595-3494

#### TELECOPIER TRANSMITTAL SHEET

DATE:

June 27, 2008

TO:

Law Offices of John E. Hill Attention: Michael P. Guta FAX #: (510) 729-6333

FROM:

Marc J. Wodin, Esq.

FAX #: (818) 595-3494

RE:

Thompson v Conseco Senior Health Insurance Company

NUMBER OF PAGES, INCLUDING THIS TRANSMITTAL PAGE: \_\_2

X FOR YOUR INFORM	AATION
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PER YOUR REQUEST

PER OUR DISCUSSION

\_\_\_ PLEASE READ AND COMMENT AS SOON AS POSSIBLE .

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PLEASE TELEPHONE ME

ADDITIONAL COMMENTS:

ltr re: release language

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### MARC J. WODIN

21600 OXNARD STREET, SUITE 1110
WOODLAND HILLS, CALIFORNIA 91367

MARC J. WODIN

ELANA BITTON

TELEPHONE (818) 595-3490 FACSIMILE (818) 595-3494

via fax July 3, 2008

Michael P. Guta Law Offices of John E. Hill 8105 Edgewater Drive, Suite 100 Oakland, CA 94621

Re: Pamela Thompson v. Conseco Senior Health Insurance Company

Dear Mr. Guta:

I have now written two letters to you concerning resolving issues related to the release, to which I have received no response. I have the settlement check. Again, please contact me so that we can resolve these issues.

Very truly yours,

LAW OFFICES OF MARC J. WODIN

MARC J. WODIN

#### MARC J. WODIN

21600 OXNARD STREET, SUITE IIIO

MARC J. WODIN

ELANA BITTON

ADDITIONAL COMMENTS:

letter re: release

WOODLAND HILLS, CALIFORNIA 91367

TELEPHONE (818) 595-3490 FACSIMILE (818) 595-3494

### TELECOPIER TRANSMITTAL SHEET

DATE:	July 3, 2008				
TO:	Law Offices of John E. Hill Attention: Michael P. Guta	FAX #: (510) 729-6333			
FROM:	Marc J. Wodin, Esq.	FAX #: (818) 595-3494			
RE:	Thompson v Conseco Senior Health Insurance Company				
NUMBER OF PAGES, INCLUDING THIS TRANSMITTAL PAGE: 2					
	YOUR INFORMATION YOUR REQUEST				
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MODE = MEMORY TRANSMISSION

START-JUL-03 14:40

END-JUL-03 14:40

FILE NO. =316

STN NO. COMM.

STATION NAME/TEL NO.

PAGES DURATION

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-LAW OFFICE MARC J WODIN -

жижими — МАРС J WODIN

ABBR NO.

- \*\*\*\*\* -

8185953494- \*\*\*\*\*\*\*\*

TELEPHONE (818) \$95-3490

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81600 OXNARD STREET, SUITE 1110
WOODLAND HILLS, CALIFORNIA 91367

MARC J. WODIN

ELANA BITTON

, FACSIMILE (0:0) 595-3494

#### TELECOPIER TRANSMITTAL SHEET

DATE:

July 3, 2008

TO:

Law Offices of John E. Hill

FAX #: (510) 729-6333

Attention: Michael P. Guta

FROM:

Marc J. Wodin, Esq.

FAX #: (818) 595-3494

RE:

Thompson v Conseco Senior Health Insurance Company

NUMBER OF PAGES, INCLUDING THIS TRANSMITTAL PAGE: \_2\_

X	FOR YOUR INFORMATION	
	PER YOUR REQUEST	

PER OUR DISCUSSION

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PLEASE SIGN AND RETURN

PLEASE TELEPHONE ME

ADDITIONAL COMMENTS:

letter re: release

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